

TITLE III: ADMINISTRATION

Chapter

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CHAPTER 30: TOWN ORGANIZATIONS

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§ 30.01 PURCHASING AUTHORITY.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PURCHASING AUTHORITY. The Board of Selectmen.

(B) Except as provided in division (J) below, when any board, commission, agency, department, officer or employee of the town is authorized to make purchases in the name or on the behalf of the town and requires the purchase of materials, supplies, furnishings, equipment, services, livestock or other personal property which is expected to exceed the sum of \$15,000 in cost or value, the board, commission, agency, department, officer or employee shall submit the particulars and specifications of the purchase, in writing, to the appropriate purchasing authority for the purpose of inviting competitive bids. The purchasing authority shall solicit competitive bids for the item(s) to be purchased by publication in a newspaper having a general circulation in the town, by invitations mailed to selected vendors and by posting on the public signpost. All invitations to bid shall include detailed particulars and specifications or shall indicate where the particulars and specifications may be obtained and shall specify the time and place where the bids shall be filed and the time and place where the bids will be opened. If the item(s) to be purchased have been bid upon by any department or agency of the state and the bid price is also applicable to the town, the state bid price shall be considered a valid bid and shall properly be noted at the public opening. The purchasing authority shall evaluate all bids received, shall consult

with the board, commission, agency, department, officer or employee for which the purchase is to be made and, within a reasonable time after the opening of the bids, shall award the purchase to the bidder of their choice. The purchasing authority has the right to reject any and all bids in accordance with the provisions of division (D) below.

(C) Any bidder which is found by the purchasing authority to be delinquent in the payment of taxes due to the town, for either personal or real property, shall not be deemed a qualified bidder unless the bidder first submits a plan acceptable to the Tax Collector and to the purchasing authority to cure the tax delinquency. The plan may include a schedule of payments sufficient to make the bidder current in the payment of taxes within a time period deemed acceptable to the Tax Collector and to the purchasing authority.

(D) If the purchasing authority determines that the bids submitted are inadequate in number in relation to the scope or character of the subject matter of the bid, that the bids submitted are excessive in price or that any or all of the bids submitted are unacceptable for any other good and substantial reason, the purchasing authority, in its discretion, may reject the bid or bids within a reasonable time after the opening of bids. Whenever the purchasing authority rejects any bid or bids, it shall state the reasons for the rejection in the minutes kept for that purpose by the purchasing authority. The minutes shall be a matter of public record and shall be open for public inspection in the same manner as other public records of the town.

(E) All bids and awards shall be kept on file by the purchasing authority for five years thereafter and shall be available for public inspection during business hours.

(F) Whenever the purchasing authority deems it necessary that a formal contract be entered into between the town and the successful bidder, the form of the contract shall be prepared and/or approved by the purchasing authority prior to the solicitation of competitive bids. The contract shall be included in the particulars and specifications of and shall be executed by the successful bidder.

(G) When, in the opinion of the purchasing authority, or during an emergency, sufficient time shall be unavailable for the solicitation of competitive bids for a particular purchase because of the existence of an urgent situation, then the purchasing authority or, during an emergency, the First Selectman may make the purchase without competitive bidding. A record of all the urgent transactions shall be kept in the minutes of the purchasing authority and notification made to the responsible board, commission, agency, department, officer or employee.

(H) Contracts for professional services that continue in force from year to year or are renewed at regular intervals and where the cost of the service exceeds \$25,000 annually shall be reviewed by the Board of Finance at intervals not to exceed five years, who shall forward its findings, in writing, to the purchasing authority.

(I) Contracts for professional services which can reasonably be expected to exceed \$25,000 in one calendar year, while exempted from formal bidding, shall be reviewed by the Board of Finance and approved by the purchasing agent.

(J) This section shall not apply to any purchases except as provided in divisions (H) and (I) above, to any contracts made by any board, commission, agency, department, officer or employee of the town for professional services, which shall include but not be limited to services such as legal, insurance, architectural and engineering, nor to the hiring of employees by any town board, commission, agency or department.

(K) Notwithstanding the provisions of division (B) above, if the purchasing authority determines that the town should purchase materials, supplies, furnishings, equipment, services, livestock or other personal property at public auction or private sale, the First Selectmen shall be permitted to bid for and purchase the same at public auction or private sale, provided that prior to bidding at the auction or private sale the particulars are submitted to the purchasing authority and the purchasing authority authorizes the purchase and the First Selectmen does not bid in excess of the amount appropriated. A record of all the transactions shall be kept in the minutes of the purchasing authority for five years thereafter and shall be available for public inspection during business hours.

(L) Whenever any board, commission, agency, department, officer or employee of the town requires the disposal of any material or equipment properly belonging to the town with an estimated value in excess of \$500, the board, commission, agency, department, officer or employee shall submit, in writing, the particulars to the purchasing authority. The purchasing authority shall sell the material or equipment by invitation for sealed competitive bids or by public auction. In the event of sale by sealed competitive bids, the purchasing authority shall advertise the particulars in a newspaper having a general circulation in the town inviting the necessary bids and specifying the time and place when the bids shall be publicly opened and noted. The purchasing authority shall evaluate all bids received in accordance with other divisions of this section and shall have final approval on the disposal of any such material or equipment. In the event of public auction, the purchasing authority shall determine terms and conditions of sale including questions regarding minimum bids. The purchasing authority shall advertise in a newspaper having a general circulation in the town, the date, time, place, particulars of the item(s) being sold and the terms and conditions of the sale. If the sale is conducted by public auction, the purchasing authority shall sell to the highest bidder meeting the terms and conditions of sale.

(Ord. passed - -; Ord. passed - -)

§ 30.02 PLANNING AND ZONING COMMISSION; ZONING BOARD OF APPEALS.

(A) Pursuant to the authority granted by Conn. Gen. Stat. Chapters 124 and 126, 1958 revision, as amended, there is hereby created for the town a Planning and Zoning Commission with all of the powers and duties specified in Conn. Gen. Stat. Chapters 124 and 126 (except that the Commission shall not have the powers described by Conn. Gen. Stat. §§ 8-29 and 8-30). The Commission shall be named the Town Planning and Zoning Commission.

(1) The Planning and Zoning Commission shall be elected at the biennial election of the town to be held on October 7, 1965. There shall be elected to the Commission to serve from the date of his or her election, one member who shall hold office for five years; one who shall hold office for four years; one who shall hold office for three years; one who shall hold office for two years; one member

who shall hold office for one year; one member who shall hold office for five years from the first anniversary of the date of his or her election.

(2) At each biennial election of the town held after October 7, 1965, there shall be elected to the Commission one member who shall hold office for five years beginning on the date of his or her election and one member who shall hold office for five years from the first anniversary of the date of his or her election.

(3) The Board of Selectmen shall appoint five members to the Planning and Zoning Commission within 30 days of the passage of this section to serve until their successors shall be elected and shall have qualified as hereinbefore mentioned.

(4) Any member of the Planning and Zoning Commission who is absent from three consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Commission and the vacancy shall be filled as provided by statute, except that the Commission may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this section.

(B) Pursuant to the authority granted by Conn. Gen. Stat. Chapter 124, 1958 revision, as amended, there is hereby created a Zoning Board of Appeals for the town with all of the powers and duties specified in the Conn. Gen. Stat. Chapter 124.

(1) The Board of Appeals shall consist of five members and three alternate members (hereinafter called the Panel of Alternates) who shall be electors of the town, holding no salaried municipal office and who shall not be members of the Zoning Commission.

(2) The five regular members of the Zoning Board of Appeals shall be elected at the biennial election of the town to be held on October 7, 1963. There shall be elected to the Board of Appeals to serve from the date of his or her election, one regular member who shall hold office for five years; one who shall hold office for four years; one who shall hold office for three years; one who shall hold office for two years; one member who shall hold office for one year; one member who shall hold office for five years from the first anniversary of the date of his or her election.

(3) At each biennial election of the town to be held after October 7, 1963, there shall be elected to the Board of Appeals one regular member who shall hold office for five years beginning on the date of his or her election and one regular member who shall hold office for five years from the first anniversary of the date of his or her election.

(4) The Board of Selectmen shall appoint five regular members to the Zoning Board of Appeals within 30 days of the passage of this section to serve until their successors shall be elected and shall have qualified as hereinbefore provided.

(5) Within 30 days of the passage of this section, the Board of Selectmen shall also appoint three members to the Panel of Alternates; one to serve for three years, one to serve for four years and

one for five years, and thereafter the Board of Selectmen shall fill vacancies in the Panel of Alternates as such shall occur by appointments for a term of five years each.

(C) Any member of the Planning and Zoning Commission and any member of the Zoning Board of Appeals may be removed for cause by a unanimous vote of the remaining members of the Commission or Board of which he or she is a member. Before the removal, charges shall be presented to the member in writing, and he or she should be given a reasonable opportunity to be heard in his or her own defense.

(Ord. passed 4-18-1963)

§ 30.03 PANEL OF ALTERNATIVES; PLANNING AND ZONING COMMISSION.

(A) General provisions.

(1) Pursuant to the authority granted by Conn. Gen. Stat. Chapter 124 (§ 8-1b), 1958 revision, as amended, there is hereby created a panel of three alternates to the Town Planning and Zoning Commission.

(2) The alternates shall be electors and shall not be members of the Zoning Board of Appeals.

(a) The Panel of Alternates shall be elected at the biennial election of the town to be held in November, 1969. There shall be elected to the Panel to serve from the date of his or her election, one member who shall hold office for three years; one who shall hold office for two years; one who shall hold office for one year; one member who shall hold office for three years from the first anniversary of the date of his or her election.

(b) At each biennial election of the town held after November, 1969, there shall be elected to the Panel one member who shall hold office for three years beginning on the date of his or her election and one member who shall hold office for three years from the anniversary of the date of his or her election.

(c) The Board of Selectmen shall appoint three members to the Panel of Alternates within 30 days of the passage of this division (A) to serve until their successors shall be elected and shall have qualified as hereinbefore provided.

(d) Any member of the Panel of Alternates who is absent from three consecutive regular meetings of the Town Planning and Zoning Commission and any intervening duly called special and/or emergency meetings shall be considered to have resigned from the Panel and the vacancy shall be filled as provided by ordinance, except that the Town Planning and Zoning Commission may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this section.

(3) Any member of the Panel of Alternates may be removed for cause by a unanimous vote of the members of the Town Planning and Zoning Commission or remaining members of the Panel of Alternates when seated as provided in Conn. Gen. Stat. Chapter 124 (§ 8-1b), 1958 revision, as

amended. Before the removal, charges shall be presented to the member in writing, and he or she shall be given a reasonable opportunity to be heard in his or her own defense.

(B) *Filling of vacancies on the Panel of Alternates to the Town Planning and Zoning Commission.* Any vacancy arising from any cause in the Panel of Alternates to the Town Planning and Zoning Commission shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term. If there shall be a biennial town election before the expiration of the term, the vacancy shall be filled until the election by appointment, as provided herein, and subsequently by the election of a person to fill that office for the remaining portion of the term, and the person shall take office upon election.

(Ord. passed - -; Ord. passed 9-19-1969)

§ 30.04 BOARD OF FINANCE.

To establish a Board of Finance for the town, there would be six members in the Committee that would be appointed the first year by the Board of Selectmen; after the first year, they would be elected like the Board of Education by vote.

(Ord. passed 10-5-1964)

§ 30.05 BOARD OF TRUSTEES.

Pursuant to the authority granted in Conn. Gen. Stat. § 7-14-8, revision of 1958, as amended, and in furtherance of the public health and welfare the following provisions are adopted by the town.

(A) There is hereby established a Board of Trustees for the town for purposes hereinafter set forth, the Board to consist of five members. The Board shall be appointed by the Board of Selectmen with the approval of the Board of Finance from among the elections of the town. One of the members shall initially be appointed to serve a term of two years, one member shall initially be appointed to serve a term of three years; one member shall initially be appointed to serve a term of four years; one member shall initially be appointed to serve a term of five years; and one member shall initially be appointed to serve a term of six years, the members to hold office until November 15 in the year of the expiration of their term. Thereafter, all members appointed as provided above shall hold office for a term of six years, the term expiring on November 15 in the year of the expiration of their appointment. All vacancies shall be filled by the Board of Selectmen with the approval of the Board of Finance for the unexpired term of the vacating member. Members of the Board of Trustees shall serve without pay.

(B) The members of the Board shall annually, at their first meeting after each January 1, choose a Chairperson, Vice Chairperson and Secretary from among the members of the Board, the officers to hold office until their replacement is elected.

(C) The Board is specifically empowered and directed to assume the responsibility for the management, investment, collection of income and reinvestment of the legacy given to the town under the will of the late William D. Burnham in accordance with the terms of the will, and the Board is further empowered and directed to assume the responsibility for the management, investment, collection

tax income and the reinvestment of any other gifts or legacies which heretofore or which may in the future be donated to the town for the benefits of the residents thereof.

(D) The Board of Trustees shall pay out, release or disburse the funds as may be subject to its management only by and in accordance with the orders of the Board of Selectmen which Board shall issue the orders only after authorization for the same is given by persons eligible to vote at town meetings in town meeting assembled; provided, however, that the Board of Trustees is hereby specifically empowered to disburse and pay out the funds as are necessary to meet the routine, day-to-day expenses incurred in the administration of the trust assets, and provided further that the Board of Trustees is hereby specifically empowered to exercise in person or by proxy, all voting, option, subscription, reorganization, consolidation merger and liquidation rights, and all other rights and privileges of a similar nature incident, appurtenant or pertaining to securities held in the trust, and to purchase any new securities issued as a result of or in connection with any of the aforesaid acts. No further authorization shall be required for the exercise by the Board of Trustees of the powers herein above specifically set forth.

(E) The Board of Trustees shall annually submit a report of its doings and an accounting of the funds subject to its management to the Board of Selectmen so that the same may be included in the annual town report.
(Ord. passed 9-17-1966)

§ 30.06 CONSERVATION COMMISSION.

Be it resolved that the town establish a Conservation Commission for the development and conservation of natural resources, including water resources within its territorial limits, as per Conn. Gen. Stat. Chapter 97, § 7-151a. The Commission shall consist of five members appointed by the chief executive officer of the town.
(Ord. passed 11-25-1966)

§ 30.07 RECREATION COMMISSION.

(A) There is hereby established in the town a Recreation Commission, consisting of seven members, consisting of seven electors of the town, appointed by the Board of Selectmen, and three ex-officio members who shall be the Board of Selectmen.

(1) The Board of Selectmen shall appoint the members of the Commission. All appointments shall be for terms of three years, expiring on June 30 in the year of the expiration of their appointment. All vacancies shall be filled by the Board of Selectmen for the unexpired term of the vacating member. Any member of the Commission may be removed by a majority vote of the Board of Selectmen for cause.

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(2) The Commission shall annually elect its Chairperson and other officers as it shall deem necessary. No action by the Commission, except as herein specifically stated, shall be valid unless authorized by a majority of its members. Members of the Commission shall serve without pay.

(B) The Commission shall have the power to adopt rules and regulations for the conduct of its meetings. A majority of the members of the Commission shall constitute a quorum, and the Commission shall hold regular meetings once a month. Special meetings may be called by the Chairperson at any time and shall be called upon request of any two members.

(C) The powers and duties of the Recreation Commission shall be exercised and performed as herein provided and in conformity with state law.

(1) The Commission shall have the responsibility and duty to develop a recreation program, using present and future facilities, that will employ the leisure time of the people of the town in a constructive and wholesome manner.

(2) The Commission shall have the power to make and enforce the rules and regulations as deemed necessary governing the uses of future and present recreational facilities. Any sub-committee shall be appointed by the Commission.

(3) In the development of any recreational facility or recreation area, it shall be the responsibility of the Commission to submit, at a town meeting, all specifics relative to the particular facility, basically: costs, area of location, cost of maintaining facility and rules and regulations pertinent to same.

(D) The Commission shall have the power to employ the personnel as it deems necessary and proper, provided that there shall be sufficient funds appropriated for the employment of the personnel.

(E) The Recreation Commission shall have the authority to make reasonable charges for any activity they may conduct which involves the use of a specific recreational facility.

(F) The Recreation Commission and Board of Selectmen may make, subject to applicable town law and within the scope of its budget, all contracts necessary to carry out the objectives and purposes of the Commission. The Commission shall have the power to perform other duties as may be necessary for the proper administration of the affairs of the Commission.

(G) Prior to the preparation of the annual town budget by the Board of Finance, the Recreation Commission shall submit a detailed statement of the amount of money which it will require to meet the obligations thereof and provide for its expenses for the ensuing fiscal year, together with recommendations for development of the Recreation Commission and the recreational facilities as it may deem advisable, and shall prepare an annual report of its proceedings and expenditures during the preceding year, and file copies of all of the above with the Board of Selectmen and the Clerk of the Board of Finance.

(H) The Recreation Commission shall cause to be maintained accurate records of the Commission's work. They shall keep a record of the minutes of all meetings, procedures and accounts of the Commission, and shall file a copy thereof with the Board of Selectmen. The records shall be open to the public.

(Ord. passed 5-31-1968; Ord. passed 9-29-1970)

§ 30.08 BOARD FOR ADMISSION OF ELECTORS.

Be it ordained that the Board for Admission of Electors in the town shall consist of the Town Clerk and the registrars of voters, as provided in Conn. Gen. Stat § 9-15a.

(Ord. passed 5-8-1976)

§ 30.09 BOARD OF SELECTMAN.

Pursuant to the authority granted in Conn. Gen. Stat. § 7-148(c)(4)(A), it is hereby ordained by the town that:

(A) In lieu of establishing a Board of Police Commissioners for the purpose of organizing and maintaining a Police Department in town, as permitted by Conn. Gen. Stat. § 7-274, the responsibility and authority is assigned to and confirmed in the Board of Selectmen;

(B) The Board of Selectmen is empowered to promulgate the rules, regulations and procedures for the policing of the town, including, but not limited to its constables. Pursuant to Conn. Gen. Stat. § 9-185, the Board of Selectmen shall have the power to select and appoint constables in lieu of constables to be elected under Conn. Gen. Stat. § 9-200. The Board of Selectmen, in addition to having the power to select and appoint constables, shall have the authority to do all things necessary or desirable for managing the constables, including, but not by way of limitation, the following:

- (1) Duties;
- (2) Training;
- (3) Compensation;
- (4) Equipment;
- (5) Liability; and
- (6) Termination.

(C) The principal day-to-day operational control and direction of the town's police authority, including but not limited to the constables, shall be vested in the First Selectman, the town's Chief Executive Officer, pursuant to Conn. Gen. Stat. § 7-12a. In the discretion of the First Selectman, this

authority can be delegated by him or her, on a temporary basis, to another member of the Board of Selectmen.

(Ord. passed 6- -1985)

§ 30.10 HOUSATONIC RESOURCES RECOVERY AUTHORITY.

(A) The provisions of Conn. Gen. Stat. Chapter 103b, §§ 7-273aa to 7-273oo, as amended by the provisions of Public Act 85-478, are hereby adopted.

(B) A public body politic and corporate of the state, to be known as the "Housatonic Resources Recovery Authority", hereinafter referred to as the "Authority", constituting a political subdivision of the state, established and created for the performance of an essential public and governmental function is hereby created for the purposes, charged with the duties and granted the powers provided in Conn. Gen. Stat. Chapter 103b, §§ 7-273aa to 7-273oo, as amended by Public Act 85-478, and Conn. Gen. Stat. Chapters 446d and 446e, as amended, which Authority is hereby designated as the Regional Resources Recovery Authority for the town. The Authority shall be the Regional Resources Recovery Authority for the town, and for the other member municipalities as shall by ordinance concurrent herewith adopt the provisions of Conn. Gen. Stat. Chapter 103b, as amended, create the Authority and designate the Authority as their Regional Resources Recovery Authority, and other municipalities as shall by ordinance and upon the terms and conditions as the Authority may determine, hereafter become member municipalities of the Authority.

(C) The Authority is established and created for the purpose of providing solid waste management and disposal services within the region of the Authority, which shall be the region within the jurisdiction of all of the member municipalities of the Authority, and which purpose includes providing for the disposal of residential and commercial solid waste, the financing, construction and operation of one or more solid waste disposal facilities for that purpose, and the delivery of solid waste thereto, including facilities for incineration of solid waste and production of steam, electricity and other by-products for sale to public utilities and others.

(D) The membership of the Authority shall consist of one member from each member municipality of the Authority. Each member, including each of the first members of the Authority, shall be appointed in the manner set forth in the concurrent ordinance adopted by each member municipality.

(1) Members shall serve for terms of three years, except that the first members of the Authority, shall serve terms commencing July 1, 1986 and terminating as follows: Bethel, June 30, 1987; Bridgewater, June 30, 1988; Brookfield, June 30, 1989; Danbury, June 30, 1987; New Fairfield, June 30, 1988; New Milford, June 30, 1989; Newtown, June 30, 1987; Redding, June 30, 1988 and Ridgefield, June 30, 1989; provided however, that members shall continue to serve until their successors are appointed and have qualified.

(2) In no event shall the terms of more than half of the members expire simultaneously. If because of the addition or reduction of the number of member municipalities, the terms of more than one-half of the members would expire simultaneously, then the terms of a sufficient number of members

shall be automatically extended for a period of one year. The extensions shall be based upon the alphabetical order of the member municipalities.

(3) Each member municipality may appoint an alternate member of the Authority who shall act in the event of the disability or absence for any other reason of the member municipality. The alternate representative shall have a voice at Authority meetings and vote at Authority meetings if the regular representative from the municipality is absent from the meeting.

(E) No person shall be eligible for appointment, or to serve, as a town member, unless he or she is a resident of the town, and shall be required to resign upon becoming a non-resident. The alternate may be, but does not have to be, a resident of the town.

(F) Except in the case of membership termination, the Authority shall operate with 100 voting units, which shall be assigned to member municipalities in proportion to each municipality's share of the total population of all members of the Authority as determined by the latest decennial federal census of population.

(1) There shall be no fractional votes and each municipality shall have a minimum of one vote. The distribution of voting units among members shall be recomputed following each decennial federal census and upon the withdrawal or termination of any member municipality or the admission of the new member municipality. All actions by the Authority shall require the affirmative vote of at least 51% of the total voting units present and voting at a duly called meeting of the Authority at which a quorum is present.

(2) Members of the Authority holding a majority of the voting units shall constitute a quorum, provided that no quorum shall be deemed to exist unless at least 51% of the members of the Authority shall be present and voting.

(3) In case of membership termination, each member municipality shall have one vote and there shall be no vote by voting units.

(G) Members of the Authority shall serve without compensation but may be reimbursed for their necessary expenses.

(H) Member municipalities may withdraw from the Authority only after agreeing, in writing, to comply with the terms and conditions contained in any contracts between the municipality and the Authority, or the holders of any bonds of the Authority. No withdrawal shall relieve the municipality of any liability, responsibility or obligation incurred by it as a member of the Authority or as a user of any of the Authority's projects.

(I) The ordinance shall be deemed to be concurrent with ordinances as shall be enacted by the City of Danbury and the Towns of Bethel, Brookfield, New Fairfield, New Milford, Newtown, Redding and Ridgefield which ordinances are not inconsistent in any material respect with the provisions of this

section. The ordinance shall be deemed concurrent even though the ordinances are not adopted simultaneously by the municipalities and even though one or more of the municipalities shall fail to adopt the ordinance.

(Ord. passed 5-10-1986; Ord. passed 11-29-1988; Ord. passed 2-14-1989)

§ 30.11 LAKE LILLINONAH AUTHORITY.

(A) *Generally.* Pursuant to the powers granted by Conn. Gen. Stat. § 7-151a, as amended, the Lake Lillinonah Authority is hereby established. The Authority shall be comprised of the town and such other towns having Lake Lillinonah within their territorial limits as may adopt the provisions of the statute and shall exercise all powers authorized under the statutes for lake authorities.

(B) *Membership.* The Authority shall be composed of three delegates from each member town who shall be appointed by the Board of Selectmen, or governing body, of each town, one for a term of one year; one for a term of two years; and one for a term of three years. All subsequent appointments shall be for terms of three years.

(C) *Powers.* The Authority shall have the power to:

(1) Act as agent for the member towns in cooperation with the Commissioner of Environmental Protection in the enforcement of the boating laws on such water.

(2) Control and abate algae and aquatic weeds in cooperation with the Commissioner of Environmental Protection.

(3) Study water management including, but not limited to, water depth and circulation and make recommendations for action to its member towns.

(4) Act as agent for member towns with respect to filing applications for grants and reimbursements with the Department of Environmental Protection and other state agencies in connection with state and federal programs.

(5) Act as agent for member towns with respect to receiving gifts for any of its purposes.

(D) *Appropriations.*

(1) The Authority shall receive from each member town their prorated share of the expenses of the Authority based upon the annual budget of the Authority divided by eleven. Roxbury shall pay one eleventh and each of the other member towns shall pay two elevenths, thus enabling the other five member towns to pay an equal share and Roxbury paying one-half of an equal share.

(2) The annual budget, prepared by the Authority, shall be submitted to each of the member towns for approval. In the event different amounts are approved by the member towns, an average of the four highest amounts approved shall be used to determine the final budget.

(3) The annual budget will be accompanied by an independent auditor's report of the past years expenditures.
(Ord. passed 6-12-1990)

Section

General Provisions

CHAPTER 31: FEES, TAX AND FINANCE

- 31.01 Building permit valuation schedule
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- 31.03 Conservation and Inland Wetlands Commission; filing fees
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- 31.05 Applications to land use boards and commissions

Tax Provisions

- 31.20 Refund of excess payment
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- 31.22 Tax credit for elderly homeowners
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GENERAL PROVISIONS

§ 31.01 BUILDING PERMIT VALUATION SCHEDULE.

The Building Department for the town is proposing to rescind the existing building permit valuation schedule and building fee schedule, which was adopted at a town meeting on May 17, 2002, and to adopt the schedule which is on file and available at the office of the Town Clerk. The effective date of the rescission of the existing schedule and the effective date of the adoption of the new schedule will be October 1, 2008, at 9:00 a.m.

(Ord. passed - -)

§ 31.02 REVIEW OF LAND USE APPLICATIONS BY TOWN CONSULTANTS.

(A) Pursuant to the provisions of Conn. Gen. Stat. § 8-1c, the town hereby establishes the following ordinance for the payment of fees incurred by the town and its commissions and boards in the review of land use applications.

(1) Whenever any land use application is submitted to the Town Board of Selectmen, the Town Planning and Zoning Commission, the Town Zoning Board of Appeals, or the Town Inland Wetlands and Watercourses Commission and the application is required, within the discretion of that Board or Commission, with concurrence of the Board of Selectmen, to be referred to one or more private consultants for review, analysis or comment in order that the Board or Commission may properly process and decide upon the application, the applicant shall be responsible and liable for all fees and expenses charged by all the consultants and shall be required to reimburse the town for the fees and expenses as may be paid by the town.

(2) The failure of the applicant to pay or reimburse the fees and expenses when requested by the relevant Board or Commission shall be deemed sufficient reason to deny the application.

(3) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

LAND USE APPLICATION. Includes, without limitation, applications for:

1. Subdivision or resubdivision approval;
2. Zoning permits;
3. Special permits;
4. Site plan review;
5. Road construction; and
6. Physical improvements, whether or not the applicant intends to dedicate the improvements to the town.

(B) The fees set forth in this section shall be supplemental to, and not in lieu of, any other fees required to be paid by any other ordinance or regulation of the town or any of its boards or commissions.

(Ord. passed - -)

§ 31.03 CONSERVATION AND INLAND WETLANDS COMMISSION; FILING FEES.

The Town Conservation and Inland Wetlands Commission is authorized to establish by regulation the amount of any and all filing fees required to be deposited with the Commission for reviewing and processing applications and petitions in accordance with Conn. Gen. Stat. § 22a-42a(e), 1998, as it may be amended

(Ord. passed - -)

§ 31.04 BUILDING FEES FOR REPEATED MISSED BUILDING INSPECTION APPOINTMENTS.

This section sets forth the policy of the Town Building Department to charge the contractor or homeowner a reinspection fee of \$26 for work that is not ready for inspection or work that is not accessible for inspection by the Building Inspector of this town.
(Ord. passed - -)

§ 31.05 APPLICATIONS TO LAND USE BOARDS AND COMMISSIONS.

(A) It is hereby ordained pursuant to Conn. Gen. Stat. § 8-1(c) that the following fees for processing are established for the Planning and Zoning Commission, the Zoning Board of Appeals and the Conservation and Inland Wetlands Commission.

(B) These fees are in addition to those authorized under Conn. Gen. Stat. § 8-26.

(1) Copies of regulations: \$2, available from the Town Clerk.

(2) All applications require the following fee(s) (checks made payable to the town) which include a fee mandated by the state to fund environmental review teams (currently \$60):

(a) Subdivision/resubdivision review: Base fee \$100, plus \$100 per lot, plus the fee mandated by the state (currently \$60). The subdivision/resubdivision review fee covers only the division of land. Additional applicable fee(s) will be due as set forth.

(b) One single-family residential unit review (limit of one residential unit per lot): \$60, plus the fee mandated by the state (currently \$60).

(c) One two-family residential unit(s) review (limit of two residential units per lot): \$120, plus the fee mandated by the state (currently \$60).

(d) Other multi-family residential unit(s) review: Base fee of \$100 per building, plus \$100 for each residential unit, plus the fee mandated by the state (currently \$60).

(e) All other regulated activities (including, but not limited to, additions, swimming pools, tennis courts, septic systems, ponds, out-buildings, and the like.) Review: \$30, plus the fee mandated by the state (currently \$60).

(f) Commercial site review: Base fee \$500, plus \$500 per half-acre (or fraction thereof) of area of disturbance as determined by the Commission, plus the fee mandated by the state (currently \$60).

(g) Permit amendment: 30% of original fee, plus the fee mandated by the state (currently \$60).

(h) Permit renewal: \$20, plus the fee mandated by the state (currently \$60).

(i) Public hearing (if necessary): \$300 per hearing.

(Ord. passed - -; Ord. passed 5-28-1987; Ord. passed 5-21-1999; Ord. passed 9-9-2004)

TAX PROVISIONS

§ 31.20 REFUND OF EXCESS PAYMENT.

The Tax Collector is hereby authorized to retain tax payments in excess of the amount due, provided the excess does not exceed \$5 in accordance with Conn. Gen. Stat. § 12-129.
(Ord. passed - -)

§ 31.21 TAX DECLARATION FORMS NO LONGER REQUIRED.

(A) Be it resolved that the town adopt the provisions of Conn. Gen. Stat. § 12-41, revision of 1958, concerning the elimination of annual listing of real estate by persons liable to give in a list and pay taxes to the town, and to approve the request of the Assessor to the Office of Policy and Management, State of Connecticut, if and when made, to compile the abstract of real estate from data contained on owner's cards, all subject to approval by the Office of Policy and Management, State of Connecticut.

(B) Be it resolved that this meeting does hereby authorize the Assessors of the town, subject to the approval of the Office of Policy and Management, State of Connecticut, to compile the abstract of real estate from data contained on the owner's cards.
(Ord. passed 8-25-1988)

§ 31.22 TAX CREDIT FOR ELDERLY HOMEOWNERS.

(A) The town hereby enacts a tax credit for elderly homeowners, pursuant to Conn. Gen. Stat. § 12-129n for eligible residents of the town on the terms and conditions provided herein. This section is enacted for the purpose of assisting elderly homeowners with a portion of the costs of property taxation.

(B) Any person who owns real property in the town or is liable for the payment of taxes thereon, pursuant to Conn. Gen. Stat. § 12-48, and who occupies the property as a residence shall be entitled to credit on the annual taxes for the real property for the following fiscal year provided that all of the following conditions are complied with:

(1) The person is 65 years of age or over at the close of the current fiscal year, or his or her spouse is 65 years of age or over at the close of the current fiscal year and resides with the person, or

60 years of age or over and the surviving spouse of a taxpayer qualified for tax credit under this ordinance at the time of his or her death;

(2) The person has resided at and paid real estate taxes on a residence located in the town for a period of one year immediately prior to his or her application for tax credit;

(3) The property for which the credit is claimed must be the legal domicile of the person and occupied more than 183 days of each calendar year;

(4) Before the tax credit or any portion thereof under this section shall be given, the person must first apply for tax relief under any state statute for which he or she is eligible. If the applicant has not applied for tax relief under any state statute because he or she is not eligible, he or she shall so certify by filing on a form acceptable to the Assessor an affidavit testifying to his or her ineligibility;

(5) An application must be filed each year with the Assessor not earlier than January 1 or later than May 15 for the tax credit for the next fiscal year;

(6) The application must include an affidavit stating whether income, individually, if unmarried or jointly if married, exceeds \$16,000. **INCOME** is defined as adjusted gross income, tax exempt interest and realized capital gains, as determined under the Internal Revenue Code of 1954 codified in the U.S. Code at Title 26, as amended, for the calendar year preceding the fiscal year for which a tax credit is claimed. Income shall not include social security benefits. No tax credit shall be given if income exceeds \$16,000; and

(7) No tax credits shall be given under this section to any persons who have delinquent taxes owed to the town.

(C) The tax credit for real property as provided herein shall apply to only the residence itself, the lot on which the residence is located and the improvements thereon.

(D) (1) The Assessor shall determine whether each applying taxpayer is entitled to tax credit under this section and shall compute the amount of tax credit to which each qualified taxpayer is entitled and cause a certificate of tax credit to be issued in a form as to permit the Tax Collector to reduce the amount of tax levied against the taxpayer or issue a tax credit, and make proper record thereof. The tax credit shall be applied proportionately to the tax payments.

(2) (a) The amount of tax credit available to a qualifying taxpayer shall be calculated by the following table:

<i>Income</i>	<i>Tax Credit</i>
\$0 to \$4,000	\$400
\$4,001 to \$8,000	\$300

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<i>Income</i>	<i>Tax Credit</i>
\$8,001 to \$12,000	\$200
\$12,001 to \$16,000	\$100

(b) The tax relief herein provided, together with all tax relief benefits obtained from the state pursuant to state law shall not result in a reduction of the taxpayer's total real estate tax by more than 75% of the amount which would be laid against the taxpayer were no tax relief of any kind provided. In the event that all tax relief benefits obtained from the state, together with the benefit provided for by this section result in a reduction of the taxpayer's total real estate tax by more than 75%, then the tax relief provided for by this section shall be reduced by the amount necessary to prevent all tax relief from exceeding the 75% in the aggregate.

(c) If a taxpayer has qualified and received tax relief under the provisions of this section and subsequently becomes disqualified for any reason, he or she shall notify the Tax Assessor on or before May 15 of the year in which he or she becomes disqualified and he or she shall be denied tax relief under this section for the fiscal year and until he or she has again applied and qualified for relief under this section. Any taxpayer who receives a new approval for relief as provided herein shall receive the relief on the basis of the mill rate of the town for the year in which he or she was originally granted the relief.

(E) (1) If any person entitled to the tax credit pursuant to this section dies prior to June 15, unless his or her spouse is otherwise qualified, no tax credit shall be given for the next fiscal year. If the person dies after June 15, the tax credit for which the person applied prior to his or her death shall be granted, but no additional tax credit shall be allowed for his or her interest in the property for any fiscal years thereafter.

(2) If any person entitled to the tax credit pursuant to this section sells the property on which the tax credit is granted, no additional tax credit shall be allowed for his or her interest in the property for any fiscal years commencing after the date of the sale of the property, and provided further that the purchaser of the property shall pay the town a prorated share of the tax credit as provided by Conn. Gen. Stat. § 12-81a.

(F) Only one tax credit shall be allowed for each parcel of land eligible for the tax credit under this section. In any case where title to the real property is recorded in the name of the taxpayer or his or her spouse, who are eligible for tax credit, and any other person or persons, the tax amount shall be prorated to allow a tax credit equivalent to the fractional share in the property of the taxpayer or spouse, and if the property is a multiple-family dwelling the credit shall be prorated to reflect the fractional portion of the property occupied by the taxpayer, as provided by state statutes, as they may be amended. Persons not otherwise eligible shall not receive any tax credit.

(G) The total of all tax credits granted under this section shall not exceed for each fiscal year an amount equal to 10% of the total real estate property tax assessed in the town during the preceding fiscal

year; in the event the tax credits given to eligible persons shall be prorated to keep the total amount of town tax relief within the statutory limit.

(Ord. passed 11-5-1987; Ord. passed 4-21-1990)

§ 31.23 PROPERTY TAX.

(A) *Payment of property tax.* Any property tax due in the town in an amount not in excess of \$100 shall be due and payable in a single payment, in accordance with Conn. Gen. Stat. § 12-144. This will be effective according to Conn. Gen. Stat. § 7-157.

(B) *Property tax under \$5; optional waiver.* Any municipality may by action of its legislative body, waive any property tax due in an amount less than \$5.

(C) *Exempting certain ambulance type vehicles from property tax.* In accordance with Conn. Gen. Stat. § 12-81c, the town hereby adopts an ordinance exempting from personal property taxation any ambulance-type vehicle which is used exclusively for the purpose of transporting any medically and physically incapacitated individual, except any vehicle used to transport any individual for payment. The individual shall apply to the Assessor's Office for the tax exemption. The Assessor's Office shall determine if the applicant's vehicle qualifies for the exemption.

(D) *Right to require form of payment.* Pursuant to Conn. Gen. Stat. § 12-46, the Tax Collector may require that payment of any delinquent property tax applicable to a motor vehicle shall be paid only in cash or by certified check or money order.

(Ord. passed 5-10-1986; Ord. passed 5-28-1987; Ord. passed 12-8-1992; Ord. passed 7-12-2013)

§ 31.24 VOLUNTEER FIRE DEPARTMENT TAX ABATEMENT PROGRAM.

(A) *Statutory authority.* Conn. Gen. Stat. § 12-81w, Municipal option to abate or exempt a portion of property taxes of local firefighters and certain emergency and civil preparedness personnel.

(B) *Purpose.* In recognition of the dedicated service the volunteer firefighters and emergency medical personnel provide to the town, and to attract and retain said volunteers.

(C) *Definitions.*

ACTIVE MEMBER. A member of the Bridgewater Volunteer Fire Department who meets criteria set forth in the Department by-laws.

INCENTIVE. Members meeting all requirements shall be eligible to a real estate or motor vehicle property tax abatement not to exceed \$2,000.

POINTS SYSTEM. Points will be awarded to members for attending and participating and various Department meetings and activities. Participation in the Bridgewater County Fair is not in the point system.

PROGRAM PERIOD. The qualifying program shall run from January 1 to December 31.

TAX ABATEMENT COMMITTEE. The Fire Chief, President, and Ambulance Coordinator shall administer the program

(D) *Incentive approval.*

(1) The Tax Abatement Committee shall certify and submit a list of eligible members to the Bridgewater Board of Selectmen prior to January 31.

(2) Members who have meet all requirements to be considered active then need to meet the 60 points required per the point system.

(3) The tax abatement may be applied to property taxes, motor vehicle taxes, and if the applicant rents property he or she may transfer the abatement to the lessor.

(4) The town shall reward the abatement July 1 based upon the list provided to the town prior to January 31. The tax abatement will be based upon participation in the previous year.

(E) *Tax abatement program.*

(1) Members need to meet requirements set forth in the Department by-laws.

(2) Members must maintain and keep current all certifications.

(3) Members must provide a Department physical and attend Department mandatory training.

(4) Members must acquire 60 points. Points are attained for attending drills and meetings, participating in Department committees, and attending fire or EMS calls.

(5) The department may change the point values for events to increase participation in areas lacking. Sixty points will be the goal for the program. Any changes will be submitted to the Board of Selectmen prior to January 31 to be applied in the upcoming year.

(6) The Tax Abatement Committee is responsible for maintaining all records and ensuring the accuracy of the reports

(7) The Tax Abatement Committee shall provide records of eligible members activity upon request.

(8) The tax abatement may only be applied to town taxes.

(9) Department members who have meet the requirements and then pass away will transfer the tax abatement to their spouse or estate for the current year only.

<i>Point System of the BVFD</i> <i>(To be resubmitted yearly for informational purposes)</i>	
<i>Activity</i>	<i>Points</i>
Training	
HazMat awareness/refresher (required)	1
Bloodborne pathogens (required)	1
Airborne pathogens (required)	1
Required EMT-B refresher (25-hour class)	20
Approved courses < 8 hours	4
Approved courses 8-10 hours	5
Approved courses 10-20 hours	10
Approved courses 20-40 hours	20
Approved courses 40+ hours	30
Drills	
Attend/participate (includes ambulance meeting/drills)	3
Organize/lead drill	5
EMT case review	2
Attend/participate in "truck night"	3
Meeting	
Monthly department meetings	3
EMS monthly department meetings	2
Emergency response	
Fire or ambulance call	5
Non-emergency participation	
Chair of a committee or organizing an event	2
Participate in committee/event per meeting (only "duty crew" hours will be counted for fair coverage)	1

Elected offices	
Line or administrative officers	40
Engineers, chaplain, parliamentarian, fire, police coordinator, and the like	20
Discretionary	
At the discretion of the personnel committee	Up to 20
Total points needed annually to qualify for Reward Program	60

(Ord. passed 11-29-2010; Ord. passed - -)

Section

- 32.01 One Assessor to be employed by Board of Selectmen; abolishes Board of Assessors
- 32.02 Elected Chief of Police
- 32.03 Appointment of constables
- 32.04 Shifts of election officials
- 32.05 Four-year terms for certain elected officials

CHAPTER 32: OFFICIALS AND EMPLOYEES

§ 32.01 ONE ASSESSOR TO BE EMPLOYED BY BOARD OF SELECTMEN; ABOLISHES BOARD OF ASSESSORS.

Be it resolved that the town, acting by town meeting, adopts the following section regarding hiring an Assessor, abolishing the Board of Assessors, and amending the ordinances of the town to delete all provisions relating to the Board of Assessors. Be it ordained that:

(A) Effective June 30, 2001, the Board of Assessors of the town is hereby abolished;

(B) Effective July 1, 2001, there shall be one salaried Assessor in the town who shall have all the powers, duties and rights conferred upon Assessors by the Connecticut General Statutes and shall be appointed by and serve at the discretion of the Board of Selectmen;

(C) The Assessor or Assessors shall be certified or recommended as a candidate for certification as a Certified State Municipal Assessor and shall have other qualifications as the Board of Selectmen may determine;

(D) The Board of Selectmen is hereby authorized to appoint clerical and other assistants as may be required in the performance of his or her duties within the limits of the appropriation provided therefor; and

(E) The ordinances of the town are hereby amended to delete all reference to "Board of Assessors" and "members or member of the Board of Assessors".
(Ord. passed - -)

§ 32.02 ELECTED CHIEF EXECUTIVE.

The elected Chief Executive of the town is instructed:

(A) To join in council with like representatives from two or more neighboring communities pursuant to Conn. Gen. Stat. §§ 4-124c through 4-124e for the purpose of planning jointly on the area aspects of air pollution, water pollution, sewage facilities, refuse disposal transportation, communication facilities, public safety and any other matters deemed of common interests to the town and one or more communities;

(B) To aid and cooperate with other like representatives in the formation, organization and continuing operation of an Area Council of Elected Officials;

(C) To represent the town at Council meetings and to report to the town's people and interested locally empowered boards, agencies and commissions on matters of special interest to the town;

(D) To bind and commit the town to expend only those funds authorized by the Board of Finance of the town when the expenditure is not in excess of \$2,000, and when in excess of \$2,000, only upon authorization of the Board of Finance and duly called town meeting; and

(E) To notify the Area Council of Elected Officials that no powers now vested in any existing agency, board or commission of the town, including its legislative body is transferred to the Area Council.

(Ord. passed - -1972)

§ 32.03 APPOINTMENT OF CONSTABLES.

Pursuant to the authority granted in Conn. Gen. Stat. § 9-185, it is hereby ordained by the Selectmen of the town that:

(A) In lieu of the election of constables of the town, the constables shall be appointed by the Board of Selectmen;

(B) In accordance with Conn. Gen. Stat. § 9-200, the Board of Selectmen shall appoint not less than four, nor more than seven constables; and

(C) The term of office of each constable shall be for two years from the date on which the term begins, as set forth in Conn. Gen. Stat. § 9-187a, and until his or her successor is appointed and has qualified.

(Ord. passed 6-2-1981)

§ 32.04 SHIFTS OF ELECTION OFFICIALS.

Pursuant to the provisions of Conn. Gen. Stat. § 9-258a, it is hereby enacted and resolved by the Selectmen of the town that two shifts of election officials be allowed at each polling place.
(Ord. passed 3-12-1998)

§ 32.05 FOUR-YEAR TERMS FOR CERTAIN ELECTED OFFICIALS.

(A) Pursuant to Conn. Gen. Stat. § 9-189a, the First Selectman and members of the Board of Selectman, Treasurer, Town Clerk, Tax Collector and Registrars of Voters, at the next regular election for that office, and thereafter, shall be elected for terms of four years from the date on which the term begins.

(B) The term for the First Selectman and members of the Board of Selectmen, Treasurer and the Tax Collector shall begin on the second Tuesday next following the day of the municipal election at which the officials are elected and shall continue until their successors are elected and have qualified.

(C) The term for Town Clerk shall commence on the first Monday of January succeeding his or her election and shall continue until his or her successors are elected and have qualified.

(D) The term for Registrar of Voters shall commence from the Wednesday following the first Monday of January succeeding his or her election.
(Ord. passed 10-9-2001)

Section

Open Space and Land Acquisition Fund
CHAPTER 33: TOWN FUNDS

- 33.01 Establishment
- 33.02 Sources of funding, investments and limitations on use of Fund
- 33.03 Expenditures from Fund

OPEN SPACE AND LAND ACQUISITION FUND

§ 33.01 ESTABLISHMENT.

(A) Pursuant to the provisions of Conn. Gen. Stat. § 7-148(c)(2)(K), the town does hereby create a special town fund for the protection and preservation of the town's natural resources, open space and rural character, designated as the "Open Space and Land Acquisition Fund".

(B) The Fund shall be kept separate and apart from all the funds of the town and shall not lapse at the end of any municipal fiscal year.
(Ord. passed - -)

§ 33.02 SOURCES OF FUNDING, INVESTMENTS AND LIMITATIONS ON USE OF FUND.

(A) In addition to sums as may be appropriated by the town for deposit into the Open Space and Land Acquisition Fund, the town is authorized to and shall deposit all monies received by it, from whatever source, as monetary gifts for the acquisition and preservation of open space, including fees, monetary gifts, grants and loans, unless otherwise restricted, into the Open Space and Land Acquisition Fund.

(B) In addition, fees to the town collected in lieu of any requirements to provide open space, pursuant to Conn. Gen. Stat. §§ 8-25 and 8-25b and as authorized by the Town Planning and Zoning Commission pursuant to the town subdivision regulations, shall also be deposited into the Open Space and Land Acquisition Fund.

(C) The Fund shall be in the custody of the Town Treasurer. All or any part of the monies in the Fund may be invested in any securities in which public funds may be lawfully invested. All income derived from the investment shall be placed into the Fund and become a part thereof. The monies so invested, together with appreciation and accrued income, shall at all times be subject to withdrawal for use as hereinafter set forth.

(D) No sums contained in the Open Space and Land Acquisition Fund, including appreciation and accrued income earned, shall be transferred to any other fund or account within the town budget. No expenditures shall be made from the Fund except in accordance with the provisions of this subchapter. (Ord. passed - -)

§ 33.03 EXPENDITURES FROM FUND.

(A) The continuation of the Open Space and Land Acquisition Fund shall be perpetual, notwithstanding that from time to time the Fund may have a zero balance.

(B) Expenditures shall be made from the Open Space and Land Acquisition Fund only in accordance with the following procedures and requirements:

(1) The expenditures shall be made exclusively for the appraisal, testing, investigation, acquisition and preservation costs relating to parcels of land or easements, interest or rights therein, the use of which shall be limited to retention of the parcel in its natural condition or the protection of natural resources for passive recreational or agricultural purposes; and

(2) Recommendations for the appropriation for acquisition of any parcel and/or easement, right or interest therein, including the sum to be expended, shall be approved by a vote of the Town Board of Selectman and forwarded to the Planning and Zoning Commission for a report in accordance with Conn. Gen. Stat. § 8-24.

(C) Following review by the Planning and Zoning Commission, and incorporation of any changes approved by vote of the Board of Selectman, any recommendation for appropriation of monies for acquisition shall be made by the Board of Selectmen and thence, forwarded to the Board of Finance for approval.

(D) Following the approval of the recommendation by the Board of Finance for the appropriation of funds, the Board of Selectmen shall present it for vote at a duly warned and noticed annual or special town meeting.

(Ord. passed - -)